

**CITY OF BROKEN ARROW
PLANNING COMMISSION MINUTES
PLANNING COMMISSION MEETING
May 23, 2002**

The Planning Commission Agenda for this meeting was posted on May 20, 2002 at 1:00 p.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, May 23, 2002 at 5:01 p.m.

Present: Robert Goranson, Chairman
Renate Caldwell, Vice Chairperson
Mike Lester, Commission Member
Kal Desai, Commission Member
Ronald L. Wing, Commission Member

Absent: None

Staff Present: Farhad Daroga, Planning Director
Brent Murphy, Assistant City Planner
Karl Fritschen, Staff Planner
Joyce Snider, Admin Ass't
April Parnell, Assistant City Attorney
Don Slone, Community Development Coordinator
Garrett Miller, Assistant City Engineer

3. The Commission considered the minutes of the regular Planning Commission meeting held May 9, 2002. **Motion** by Mike Lester to approve the May 9, 2002 minutes as presented. Motion seconded by Renate Caldwell.

Aye: Wing, Lester, Caldwell, Goranson

Nay: None

Abstain: Desai

Motion Approved.

5. PUD 132 and BAZ 1569, 10.0 acres, R-1 to C-5, southwest corner of Lynn Lane and Albany Street, Tulsa Engineering & Planning Associates, Inc. (Applicant). Bob Goranson said the applicant has requested that this item be continued indefinitely. No one was present in regard to this matter.

Motion by Bob Goranson to table PUD 132 and BAZ 1569 as requested by the applicant. Motion seconded by Mike Lester.

Yes: Wing, Desai, Lester, Caldwell, Goranson

No: None

Motion approved

- 4.. The Commission considered the Consent Agenda. Farhad Daroga reviewed the item on the Consent Agenda.

Motion by Mike Lester to approve the Consent Agenda as presented and recommended by Staff. Motion seconded by Renate Caldwell.

Yes: Wing, Desai, Lester, Caldwell, Goranson

No: None

Motion approved

- 4A. PT02-107 (DN02-121) Lakes at Indian Springs IV preliminary plat, 14.01 acres, R-2, PUD 108A, north of East Jasper Street, one-eighth mile west of Lynn Lane, (Engineer) Tulsa Engineering & Planning Associates, Inc. The applicant, Jack Taber, was present. This plat was approved as recommended by Staff.

6. **ITEMS REMOVED FROM CONSENT AGENDA** - None

- 7A. A public hearing, continued from the Planning Commission meeting of May 9, 2002, was reopened regarding a proposed amendment to Zoning Ordinance (#1560) Article IV, Permitted Uses in Zoning Districts, in particular, **outdoor sales of portable buildings, (no manufacturing)** proposed to be included as a use by right in C-3, C-5, IS, I-1, and I-2 Zoning Districts. Farhad Daroga presented the background, saying presently outdoor sales of portable buildings is not permitted in the C-3, C-5 and IS zoning categories. Bob Goranson said, at the last meeting, Staff was asked to determine whether this use could be granted by special exception. April Parnell said State law states that cities cannot approve use variances except for oil and gas, when there is an ordinance that allows it. She said the Board of Adjustment only has the ability to grant such a variance within levels of the same zoning district.

Bob Goranson said he doesn't wish to affect small businesses negatively, but he has a problem with allowing this use in the C-3 district throughout the City. Mike Lester asked what the negative results would be of allowing this use in multiple districts. Farhad Daroga said there is a concern in allowing this use in the C-3 district, which often adjoin residential districts and arterial streets. He said the Planning Commission and the City Council need to decide where they want this use to be. He outlined other uses that are typically scattered throughout the City. Mike Lester asked how Sutherland and Lowe's include this use on their property. Farhad Daroga said the larger stores are in C-2 or C-5 or Planned Unit Development zones and include these sales as secondary or accessory uses, which is allowed.

Mike Lester asked if there is a way to avoid eliminating smaller business operations. Bob Goranson said this matter could be forwarded to the City Council, which has the power to waive requirements, but the Planning Commission cannot. Farhad Daroga said the property of the existing portable building sales business could be rezoned C-5. However, the tenant on this land must go through the property owner to do that. Discussion followed regarding the requirements for C-3 zoning. Don Slone outlined the process and the problems the property owner would have in rezoning this property. The zoning status and primary business purposes of Sutherland's, Lowe's and other large stores was discussed. General discussion followed.

Motion by Renate Caldwell to recommend an amendment to permitted uses of outdoor sales of portable buildings, (no manufacturing) be included as a use by right in C-5 and IS zoning districts. Motion seconded by Mike Lester.

Yes: Wing, Desai, Lester, Caldwell, Goranson

No: None

Motion approved

- 7B. Bob Goranson said a public hearing was continued to May 23, 2002, without discussion or action on a proposed amendment to Zoning Ordinance (#1560) Article IV, Permitted Uses in Zoning Districts, to add **medical imaging facilities**, proposed in O-1, O-1P, O-2, O-3, C-1, C-1P, C-2, C-3, C-5, I-S, and I-1 Zoning Districts as a use by right.

Mike Lester said that he could not participate in this hearing, due to a conflict of interest and left the meeting.

Farhad Daroga presented the background, saying there is no category in the Zoning Ordinance permitted uses for medical imaging facilities. He said a request has been made that such a category be included as a use in the O-1, O-1P, O-2, O-3, C-1, C-1P, C-2, C-3, C-5, I-S, and I-1 Zoning Districts. Staff's recommendation is to approve this category except for I-1.

Jack Wright, said he has a building in Dobbs Park at 61st and 145th which is zoned I-1 and would like a medical imaging facility. He said there is a nuclear pharmacy (lab) next door which has a cyclotron in it. They produce radio isotopes which are used for imaging purposes. Twelve parking places have been requested for the 9,000 square foot facility. Mr. Wright requested this use be granted.

Bob Goranson asked if this category presently falls under medical offices. Farhad Daroga said it does. It is under all the O's, all of the C's except C-4 and in IS. The only one being requested is I-1. Ron Wing asked why Staff is not in favor of allowing this use in the I-1 district. Farhad Daroga said traditionally, medical offices and related facilities and business that invite the general public are not allowed in industrial parks because the latter have hazardous uses or business that should not be allowed in the same areas with the general public. He outlined the history of the separation of industrial uses which has occurred in order to keep people out of harm's way and the effect of having harmful or poisonous substances in areas where people congregate. He said the Industrial Service category is available for such uses and the question is whether the Planning Commission and the City Council want such uses in Industrial zoning categories. Discussion followed.

Bob Goranson pointed out that by allowing this use in this category, the City is opening the door for all such uses in the I-1 district. Discussion followed.

7B. continued

Motion by Ron Wing to recommend the addition of medical imaging facilities_ in O-1, O-1P, O-2, O-3, C-1, C-1P, C-2, C-3, C-5, I-S, and I-1 Zoning Districts as a use by right. Motion seconded by Renate Caldwell.

Yes: Wing, Desai, Caldwell

No: Goranson

Motion approved

Mike Lester returned to the meeting.

8. **DISCUSSION ITEMS**

None (No discussion).

10. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF (NO ACTION)**

None.

11. **Motion** by Renate Caldwell at 5:53 p.m. to adjourn. Motion seconded by Kal Desai.

Yes: Wing, Desai, Lester, Caldwell, Goranson

No: None

Motion approved